

Egan Records and the Future

Ideally, one should deposit some record of your Egan family researches during one's lifetime with a competent person or institution and advise one's family and friends of the place of deposit. On the demise of the compiler the Executor of the Will should advise the holder of the documents that the compiler has passed away. Hopefully, the responsible person/s will see to it that the compiled work is safely preserved.

The Codicil which follows gives instructions for the disposal of family history papers and Egans are urged to make provision for their records to be preserved. The reason is simple - cases have occurred recently where through lack of instructions and/or lack of interest on the part of family or advisors, the research papers of a lifetime have not survived. This has prompted the Egan Clan to draw up the template of a Codicil which is meant to facilitate the saving of family records.

In most cases there will be one individual whom the testator (i.e. the person making the Codicil) knows will carry on the study, whilst in other cases the testator will need to find someone who can sort out the paperwork/electronic files and divide them among Egan Clan Chapters, different family historians, or state and national libraries charged with the safekeeping of collections of documents. Obviously there can be variations in the instructions to be given and the Codicil will need adjustments to meet particular circumstances. The Codicil template has been drafted in a way which hopefully makes it as easy as possible to do this.

It goes without saying that the person chosen should be consulted to ensure that he or she is willing to undertake the task. If there is no suitable candidate the testator could nominate the "Chairman" or equivalent of the Clan Egan Chapter located nearest the Executor/s. There could be a difference of opinion as to whether a particular book, a piece of correspondence or other data falls within the definition of "family history papers". Someone has to decide – hence Clause 4 of the Codicil. If the testator has any particular doubt about the item/s, a note can be left with the item/s to say whether it/they are to be regarded as family history papers or not.

The Codicil presupposes that the testator has already made a Will. If not then Clauses equivalent to Clauses 1, 2, 3 and 4 of the Codicil should be handed to the solicitor preparing the Will, so that the solicitor can include them in the Will.

The Codicil should be signed in the presence of two adult witnesses (neither of whom should be the person appointed or married to that person), who should both sign in the presence of the testator and in the presence of each other. The Codicil should be dated at the same time and placed with the testator's Will.

This version of the Codicil Template is drafted for Ireland, UK, Australia and New Zealand. It is expected that you would take appropriate professional legal advice as to whether the Codicil meets your wishes. These notes are not expected to form part of, or accompany, the Codicil which should stand in its own right.

Michael J.S. Egan, Mac Aodhagáin 2017

CODICIL

I, _____ of _____
DECLARE this to be a (FIRST) CODICIL to my will dated the _____ day of _____ 20____

1. I BEQUEATH to _____ of _____
my family history papers (as defined in Clause 3) to (retain for his/her benefit or to dispose of as he/she thinks fit) or dispose of in the following manner:-
2. I DIRECT that my Executor/s shall reimburse the person named in Clause 1 out of my estate for any expenses properly incurred within six months of the grant of Probate of my Will in complying with this request.
3. FOR the purpose of this Codicil the expression "family history papers" includes all notes, lists, indexes, correspondence, all records stored on computer, computer readable media or otherwise, audio visual recordings, microfilms, microfiche, photographs, books, magazines and other papers (relating to the surname and its variants) or (relating to any surname) or (relating to family history generally).
4. IN the event of any dispute as to whether any books or other material form part of my family history papers the decision of (the Executor/s under my Will) or (the named person in Clause 1 of this Codicil) shall be conclusive
5. IN all other respects I confirm my Will.

IN WITNESS whereof I have set my hand this _____ day of _____ 20____

Testator's signature

SIGNED by the Testator as a Codicil in the presence of us present at the same time who at the Testator's request in the Testator's presence of each other have subscribed our names as witnesses:-

Signature of Witness

Name of Witness

Address of Witness

Signature of Witness

Name of Witness

Address of Witness